

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JOSHUA SOMOGYI, KELLY  
WHYLE SOMOGYI and STEWART  
SIELEMAN, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

FREEDOM MORTGAGE CORP.,

Defendant.

Case No. 1:17-cv-06546-RMB-JS

CLASS ACTION

JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT**

Plaintiffs Joshua Somogyi, Kelly Whyte Somogyi and Stewart Sieleman (collectively, "Plaintiffs") respectfully move this Court pursuant to FED. R. CIV. P. 23 for entry of the accompanying proposed Order and Final Judgment:<sup>1</sup>

1. granting final approval to the Settlement of this Action as set forth in the Parties' agreed-upon proposed Order and Final Judgment filed contemporaneously herewith;

2. granting final approval to the certification of the Settlement Class for purposes of the Settlement as defined in the Settlement Agreement pursuant to Fed.R.Civ.P. 23(a) and (b)(3);

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<sup>1</sup> Unless otherwise stated, all capitalized terms used herein are as defined in the Stipulation and Agreement of Settlement filed with the Court on August 1, 2019 (Dkt. 89-4) (the "Settlement Agreement").

3. granting final approval to the appointment of Plaintiffs Joshua Somogyi, Kelly Whyte Somogyi and Stewart Sieleman as the representatives of the Settlement Class;

4. granting final approval to the appointment of Lawrence J. Lederer and Lane L. Vines of Berger Montague PC and Brian Mahany of Mahany Law Firm as counsel to the Settlement Class;

5. approving the Notice given to the Settlement Class as the best notice practicable in the circumstances in accordance with the requirements of FED. R. CIV. P. 23 and due process; and

6. dismissing the Action with prejudice as set forth in the Parties' Settlement Agreement.

The grounds on which this motion is based are set forth in the accompanying memorandum of law, the Declaration of Lawrence J. Lederer in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement and Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Payment of Service Awards filed concurrently herewith (the "Lederer Decl."), the documents, exhibits and additional information set forth in and attached to the Lederer Decl., all other documents filed in connection with the Settlement and all other proceedings in this Action.

Plaintiffs have conferred with defendant FMC which reviewed this motion prior to its filing and have been advised that FMC supports entry of the accompanying proposed Order and Final Judgment. *See* Lederer Decl. at ¶ 59.

Accordingly, Plaintiffs respectfully request that this motion be granted and that the Court approve and enter the accompanying proposed Order and Final Judgment.

Dated: June 2, 2020

Respectfully submitted,  
Berger Montague PC

By: /s/ Lane L. Vines  
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